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Attorney for Secured Creditor

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

In re:

Angela D Walton,

Debtor.

Case No. 2:13-bk-34917-WB

Chapter 13

**CONDITIONAL NON-OPPOSITION TO  
DEBTOR'S MOTION FOR AUTHORITY TO  
SELL REAL PROPERTY UNDER LBR 3015-1**

Hearing:

Date: TBD

Time: TBD

Place: Courtroom 1375  
255 E Temple Street  
Los Angeles, CA 90012

**TO THE HONORABLE JULIA W. BRAND, UNITED STATES BANKRUPTCY COURT  
JUDGE, THE DEBTOR, DEBTOR'S COUNSEL, THE TRUSTEE, AND OTHER INTERESTED  
PARTIES:**

Wells Fargo Bank, N.A. ("Secured Creditor") hereby files the following conditional non-opposition to the Debtor's Motion for Authority to Sell Real Property under LBR 3015-1 (the "Motion") filed as docket entry number 105 in the above-captioned matter. Secured Creditor is a party of interest as the holder of the senior lien secured by the collateral that is the subject of the Motion. Secured Creditor hereby responds to the Debtor's Motion on the following grounds:

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1 The Motion seeks authority to sell the real property commonly described as 1114 W Walston  
2 Street, Ontario, CA 91762. The Motion does not appear to seek authority to sell free and clear of liens  
3 and interests under 11 U.S.C. § 363(f) but only seeks authority to sell the Property under 11 U.S.C. §  
4 363(b). The Motion references Secured Creditor's Claim in the estimated amount of \$545,000.00, the  
5 proposed sale appears to be a short sale.

6 Secured Creditor does not oppose entry of an order authorizing the sale of the Property, but hereby  
7 sets forth out of caution that it does not consent for purposes of 11 U.S.C. § 363(f) to any sale free and  
8 clear of its liens unless it receives proceeds sufficient to satisfy its lien in full, the amount of which is to  
9 be determined by the lien's respective full loan balance and any corresponding payoff demand. In  
10 addition, as the Motion is premised upon a desired short sale, Secured Creditor requires that any such  
11 sale or authorization for such sale be subject to Secured Creditor's express written consent (which this  
12 response shall not be construed as providing).

13 CONCLUSION

14 Based on the foregoing, Secured Creditor requests that in the event the Court is inclined to grant  
15 the Motion, Secured Creditor respectfully requests that any form of order be consistent with Secured  
16 Creditor's response as articulated above.

17 Dated: 12/6/2017

Respectfully Submitted,  
McCalla Raymer Leibert Pierce, LLP

19 By: /s/Dane W. Exnowski  
Dane W. Exnowski  
Attorney for Secured Creditor

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

301 E. Ocean Blvd., Suite 1720  
Long Beach, CA 90802

A true and correct copy of the foregoing document entitled: **CONDITIONAL NON-OPPOSITION TO DEBTOR'S MOTION FOR ORDER AUTHORIZING SALE OF REAL PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) **12/6/2017**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

U.S. Trustee  
ustpreion16.la.ecf@usdoj.gov

Trustee  
Nancy K. Curry  
TrusteeECFMail@gmail.com

Debtor's Attorney  
Matthew D Resnik  
matt@srhlawfirm.com

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) **12/6/2017**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

U.S. Bankruptcy Court Judge  
Honorable Julia W. Brand  
255 E. Temple Street, Suite 1382  
Los Angeles, CA 90012

Debtor  
Angela D Walton  
1114 West Palston St. Apt A  
Ontario, CA 91762

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

**12/6/2017**  
Date

**Michael Levine**  
Printed Name

**/s/ Michael Levine**  
Signature